

THE HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON

SEATTLE DIVISION

CYWEE GROUP LTD.,

Plaintiff,

v.

HTC CORPORATION and
HTC AMERICA, INC.,

Defendants.

HTC CORPORATION and
HTC AMERICA, INC.

Third-Party Plaintiffs,

v.

STMICROELECTRONICS, N.V.,
STMICROELECTRONICS, INC., and
CYWEE MOTION GROUP LTD.,

Third-Party Defendants

CASE NO. 2:17-cv-00932-JLR

JURY TRIAL DEMANDED

**CYWEE GROUP LTD. AND CYWEE
MOTION GROUP LTD'S UNOPPOSED
MOTION TO LIFT STAY, DISMISS
PATENT CLAIMS AND SET A
SCHEDULE TO ADJUDICATE NON-
PATENT CLAIMS**

1 Plaintiff CyWee Group, Ltd. and Third-Party Defendant CyWee Motion Group, Ltd.
2 (collectively “CyWee”) move the Court to lift the stay under Federal Rules of Civil Procedure 62
3 and 35 U.S.C § 315 and to dismiss as moot CyWee Group, Ltd’s claims asserting U.S. Patent
4 Numbers 8,552,978 (“’978 patent”) and 8,441,438 (“’438 patent”) (collectively “asserted
5 patents”) against Defendants HTC Corporation and HTC America, Inc. (collectively
6 “Defendants”) as moot.

7
8 The Court granted the parties’ Agreed Motion to Stay on June 13, 2019, until the
9 conclusion of the *inter partes* review (“IPR”) proceedings attacking the validity of the asserted
10 patents (Dkt. 133). The Patent Trial and Appeal Board has held all asserted claims of both
11 patents unpatentable in final written decisions. The Federal Circuit affirmed those decisions. *See*
12 *CyWee Grp. Ltd. v. Google LLC*, 59 F.4th 1263 (Fed. Cir. 2023) (affirming decisions
13 invalidating asserted claims of the ’438 and ’978 patents); *CyWee Grp. Ltd. v. ZTE (USA), Inc.*,
14 90 F.4th 1358 (Fed. Cir. 2024) (affirming decision invalidating asserted claims of ’438 patent).

15
16 CyWee’s claims against Defendants for conversion, replevin, unjust enrichment,
17 constructive trust, and declaratory judgment (“Non-Patent Claims”) are not impacted by the IPR
18 results or the dismissal of the Patent Claims (Dkt 104). Defendants continue to utilize CyWee’s
19 software without a license or authority to do so. The Court acknowledged these cross-claims as
20 unrelated to the Patent Claims. *See* Dkt. 133 at 19.

21
22 CyWee has complied with this Court’s order and now respectfully requests that this
23 Court lift the stay, dismiss the Patent Claims with prejudice, Defendants’ counterclaims related
24 to the Patent Claims without prejudice and thereby permit CyWee to proceed on the Non-Patent
25 Claims under a new scheduling order.

1 Dated August 27, 2024.

Respectfully submitted,

3 /s/ Carmen E. Bremer

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* Admitted *pro hac vice*

17 *Attorneys for Plaintiff CyWee Group Ltd and Third-*
18 *Party Defendant and Counter-Plaintiff CyWee*
19 *Motion Group Ltd.*

20 CERTIFICATE OF CONFERENCE

21 I certify that on August 26, 2024, I conferred with Counsel for HTC Corporation, Jamie Otto
22 of Wilson Sonsini, and she was not opposed to the requests set forth in CyWee's Motion.

23 /s/ Michael W. Shore

24 Michael W. Shore

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2024, I presented the foregoing Motion to Lift Stay, Dismiss Patent Claims and Set Schedule to Adjudicate Non-Patent Claims to the Clerk of the Court for filing and uploading to the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: August 27, 2024

/s/ Carmen E. Bremer

Carmen E. Bremer